

Attorney Docket: 030708
U.S. Application No.: 10/741,512 Examiner: LE Art Unit: 2139
Response to August 5, 2008 Final Office Action

REMARKS

In response to the final Office Action dated August 5, 2008, the Assignee respectfully requests entry of the above claims amendments and the following remarks. The claims are amended to overcome the § 101 and § 112 rejections. The claims, however, are not amended to overcome the cited documents. The Assignee respectfully submits that the pending claims already distinguish over the cited documents, so the final rejection is premature.

Claims 1-8, 11-29, 31-50, and 52-63 are pending in this application. Claims 9-10, 30, and 51 were previously canceled without prejudice or disclaimer.

Rejections under § 101

The Office rejected claims 1-8, 11-29, and 31-42 under 35 U.S.C. § 101 for allegedly claiming non-statutory subject matter. Many of these claims have been amended, so the Office is respectfully requested to re-examine these claims in their current form.

Rejections under § 112

The Office rejected claims 22-29 and 31-42 under 35 U.S.C. § 112, first paragraph, for allegedly failing the written description requirement. Many of these claims have been amended, so the Office is respectfully requested to re-examine these claims in their current form.

Rejection of Claims Under § 103 (a)

The Office rejects claims 1-5, 15-19, 22-26, 36-40, 43-47, and 57-61 under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent Application Publication 2004/0003279 to Beilinson, *et al.* in view of U.S. Patent Application Publication 2003/0217287 to Kruglenko.

These claims, however, are not obvious over *Beilinson with Kruglenko*. These claims already recite, or incorporate, many features that are not disclosed or suggested by *Beilinson with*

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Kruglenko. All the independent claims, for example, similarly recite “intercepting a message for opening a window associated with a requested computer application, the message intercepted before receipt thereof by an operating system.” All the independent claims also recite “when the requested computer application is matched to the list of restricted computer applications, then ... prohibiting opening the window associated with the requested computer application, thus terminating the requested computer application” (emphasis added).

The combined teaching of *Beilinson* with *Kruglenko* does not teach or suggest at least these features. As the Assignee explained in a previous response, *Beilinson* restricts a user's access to specific computer functions. See U.S. Patent Application Publication 2004/0003279 to *Beilinson, et al.* at paragraph [0009]. *Beilinson* discloses user settings that may be established by an administrator, and these user settings may restrict access to computer applications and functions. See, e.g., *id.* at paragraphs [0007] – [0009], [0021], [0045], and [0049] – [0052]. *Beilinson* even explains that a content rating of a requested function may be considered before granting or denying the request. See *id.* at paragraph [0058]. The Office even concedes that *Beilinson* is silent to “intercepting a message for opening a window associated with a requested computer application,” as the independent claims similarly recite.

Now the Office cites to *Kruglenko*. The Office, in particular, cites to *Kruglenko*'s paragraph [0056], but the Office is, very respectfully, mistaken. While *Kruglenko* discusses a hook procedure, *Kruglenko*'s hook procedure intercepts keyboard messages, not “a message for opening a window.” *Kruglenko*'s paragraphs [0056] and [0057] are reproduced below.

[0056] A hook is a point in the message-handling mechanism where the message traffic is monitored in order to intercept and process certain messages before they reach their target window procedure 306. A hook chain, which is a list of pointers to application-defined callback functions called hook procedures, is maintained for each type of hook. When a message that is associated with a hook is intercepted, the system passes the message to the hook procedure referenced in the hook chain. The action taken by the hook procedure varies between types of hooks. The message may be changed, stopped altogether, or simply monitored.

[0057] FIG. 5b illustrates how, in accordance with the invention, a global keyboard hook 307 is

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installed in order to intercept keystrokes. For any keystroke, the system sends a message to the hook 307 where the message is analyzed. If the keystroke is in a list 35 of locked keystrokes, the hook stops the keystroke and prevents it from reaching any procedure. If, on the other hand, the keystroke is not listed as a disabled keystroke, the message is returned to the system unchanged and eventually passed on to its proper procedure.

U.S. Patent Application Publication 2003/0217287 to Kruglenko at paragraphs [0056] and [0057] (emphasis added). *Kruglenko's* hook procedure, then, is used to intercept keyboard messages, not messages for opening graphical windows. The combined teaching of *Beilinson* with *Kruglenko*, then, fails to teach or suggest "*intercepting a message for opening a window associated with a requested computer application,*" as the independent claims similarly recite. One of ordinary skill in the art, then, would not think that the independent claims are obvious over *Beilinson* with *Kruglenko*.

Claims 1-5, 15-19, 22-26, 36-40, 43-47, and 57-61, then, cannot be obvious over *Beilinson* and *Kruglenko*. Independent claims 1, 22, and 43 recite many features that are not disclosed or suggested by *Beilinson* and *Kruglenko*. The respective dependent claims incorporate these same features and recite additional features. One of ordinary skill in the art, then, would not think that the pending claims are obvious over *Beilinson* with *Kruglenko*. The Office is respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claims Under § 103 (a) over *Beilinson*, *Kruglenko* & *Mathew*

The Office rejected claims 6-8, 11, 20-21, 27-29, 31-32, 41-42, 48-50, 52-53, and 62-63 under 35 U.S.C. § 103 (a) as being obvious over *Beilinson* and *Kruglenko* and further in view of U.S. Patent Application Publication 2004/000307 to Mathew, *et al.*

These claims, however, cannot be obvious over the proposed combination of *Beilinson*, *Kruglenko*, and *Mathew*. These claims depend, respectively from one of independent claims 1, 22, or 43. These claims, then, incorporate the same distinguishing features discussed above, and these claims recite additional features. As the above paragraphs explained, both *Beilinson* and

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Kruglenko are silent to many features recited by the independent claims, and *Mathew* does not cure these deficiencies. *Mathew* describes a history summary report that tracks a user's online and offline activities. Still, though, the combined teaching of *Beilinson*, *Kruglenko*, and *Mathew* still fails to teach or suggest "intercepting a message for opening a window associated with a requested computer application, the message intercepted before receipt thereof by an operating system." One of ordinary skill in the art, then, would not think that claims 6-8, 11, 20-21, 27-29, 31-32, 41-42, 48-50, 52-53, and 62-63 are obvious over *Beilinson*, *Kruglenko*, and *Mathew*. The Office is respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claims Under § 103 (a) over *Beilinson*, *Kruglenko*, *Mathew* & *Rowland*

The Office rejected claims 12-13, 33-34, and 54-55 under 35 U.S.C. § 103 (a) as being obvious over *Beilinson*, *Kruglenko*, and *Mathew* and further in view of U.S. Patent 6,405,318 to *Rowland*.

Again, though, these claims cannot be obvious over the proposed combination of *Beilinson*, *Kruglenko*, *Mathew*, and *Rowland*. These claims depend, respectively from one of independent claims 1, 22, or 43. These claims, then, incorporate the same distinguishing features and recite additional features. As the above paragraphs explained, *Beilinson*, *Kruglenko*, and *Mathew* fail to teach or suggest many features recited by independent claims 1, 22, or 43, and *Rowland* does not cure these deficiencies. *Rowland* describes a "login anomaly detection function" that logs all logins and logouts. Still, though, the combined teaching of *Beilinson*, *Kruglenko*, *Mathew*, and *Rowland* fails to teach or suggest all the features recited by independent claims 1, 22, or 43. The combined teaching of *Beilinson*, *Kruglenko*, *Mathew*, and *Rowland*, then, cannot obviate claims 12-13, 33-34, and 54-55. The Office is respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claims Under § 103 (a) over *Beilinson*, *Kruglenko*, *Mathew* & *Terry*

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The Office rejected claims 14, 35, and 56 under 35 U.S.C. § 103 (a) as being obvious over *Beilinson*, *Kruglenko*, and *Mathew* and further in view of U.S. Patent Application Publication 2002/0026605 to Terry.

Again, though, these claims cannot be obvious over the proposed combination of *Beilinson*, *Kruglenko*, *Mathew*, and *Terry*. These claims depend, respectively from one of independent claims 1, 22, or 43. These claims, then, incorporate the same distinguishing features and recite additional features. As the above paragraphs explained, *Beilinson*, *Kruglenko*, and *Mathew* fail to teach or suggest many features recited by independent claims 1, 22, or 43, and *Terry* does not cure these deficiencies. *Terry* describes real-time detection of computer states, including start-up files. Still, though, the combined teaching of *Beilinson*, *Kruglenko*, *Mathew*, and *Terry* fails to teach or suggest all the features recited by independent claims 1, 22, or 43. The combined teaching of *Beilinson*, *Kruglenko*, *Mathew*, and *Terry*, then, cannot obviate claims 14, 35, and 56. The Office is respectfully requested to remove the § 103 (a) rejection of these claims.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,



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